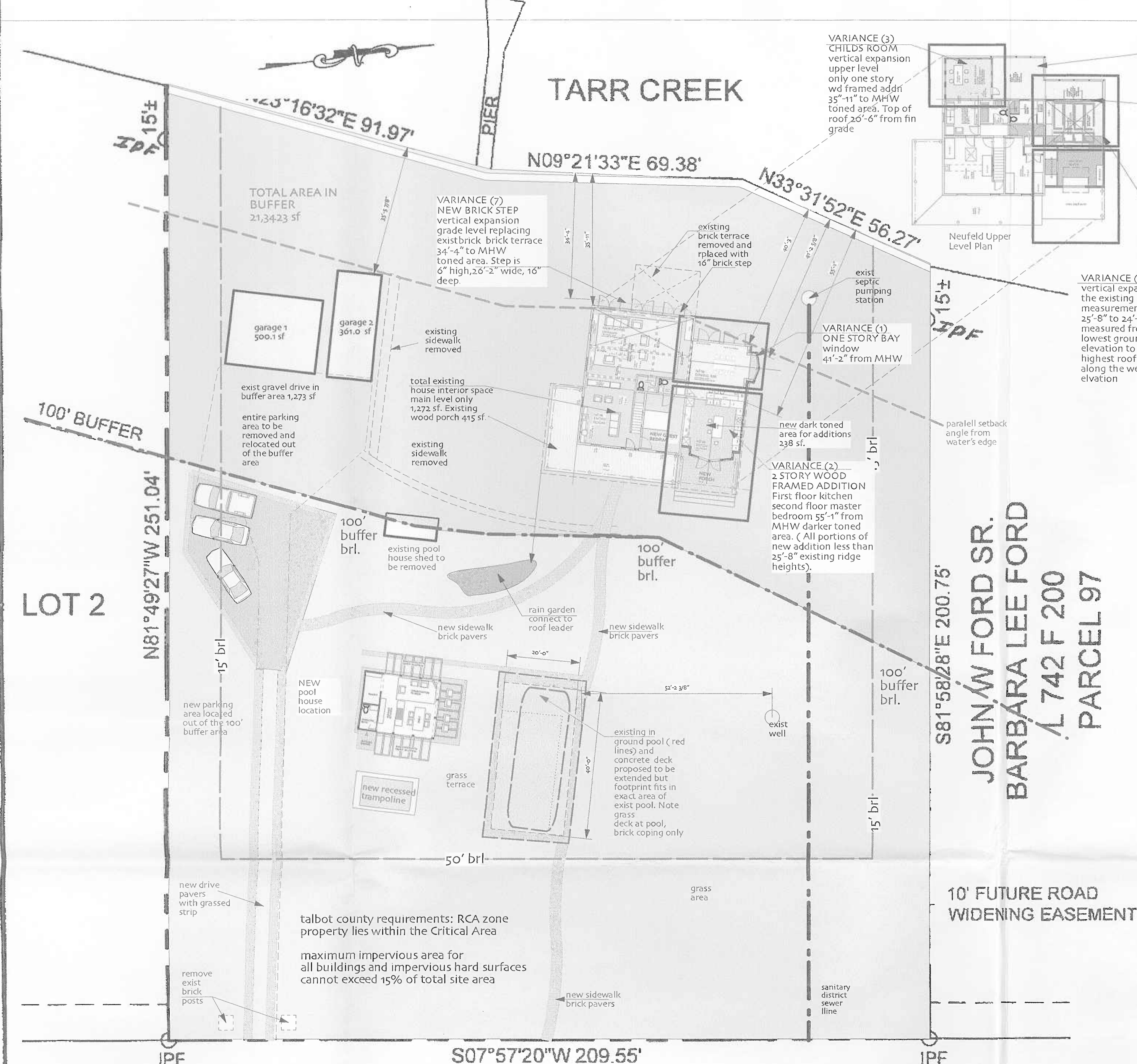


TC 836-05 Neuf eld, Steven  
VAR 10-1546

MSA-S-1829-5352

Comments: [illegible]





NEUFELD PROPOSED SITE PLAN  
WITH SITE PLAT UNDERLAY

SCALE 1" equals 20'-0"

POPLAR LANE

30' R/W

NOTES:

1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
4. LEVEL OF ACCURACY IS 3"±.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED HEREON. NO TITLE REPORT WAS FURNISHED.

**STATE OF MARYLAND**  
**ANTHONY GUY CURRIE**  
**REGISTERED**  
**PROPERTY LINE SURVEYOR**  
**No. 508**

**PROFESSIONAL SEAL**

**DATE**

**LAND PRO ASSOCIATES, LLC.**

9900-E GREENBELT ROAD SUITE 334  
LANHAM, MD 20706  
PHONE 301-388-1944  
FAX 301-794-8751  
LANDPRO@MAIL.COM

**LOCATION DRAWING**  
**ARTHUR W WEBB JR &**  
**SUSAN RAY WEBB**  
**LOT 1 SECOND ELECTION DISTRICT**  
**BOOK 1384 PAGE 244**  
**PLAT BOOK 81@243**  
**TALBOT COUNTY, MARYLAND**  
**SCALE: 1" = 40'**  
**DATE: 4/13/10**

**FILE: #5720\_POPLAR\_LA[1]**  
**CASE: # 09-3999RE0**

**VARIANCE (3) CHILDS ROOM**  
vertical expansion upper level only one story wd framed addn 35'-11" to MHW toned area. Top of roof 20'-6" from fin grade

**VARIANCE (4) WALKABLE TERRACE**  
converting existing roof to walkable terrace at 35'-11" to MHW. no additional roof height, new 3' high cable railing.

**VARIANCE (5) MASTER BEDROOM**  
vertical expansion over existing building upper level 2nd story only wd framed addn 40'-3" to MHW light toned area 24'-5" to ridge (existing main ridge 25'-8")

**VARIANCE (6)**  
vertical expansion of the existing roof measurements from 25'-8" to 24'-5" measured from the lowest ground elevation to the highest roof elevation along the west elevation

**VARIANCE (7) NEW BRICK STEP**  
vertical expansion grade level replacing existing brick terrace 34'-4" to MHW toned area. Step is 6' high, 20'-2" wide, 10' deep

**VARIANCE (8) ONE STORY BAY WINDOW**  
41'-2" from MHW

**VARIANCE (9) 2 STORY WOOD FRAMED ADDITION**  
First floor kitchen second floor master bedroom 55'-1" from MHW darker toned area. (All portions of new addition less than 25'-8" existing ridge heights).

**NEUFELD UPPER LEVEL PLAN**

**AIR PHOTO OF APPLICANT PROPERTY**  
NOT TO SCALE

**AREA CALCULATIONS EXCEED ALLOCATIONS FOR ADMINISTRATIVE VARIANCE:**

**MAIN HOUSE EXISTING AREAS (ONLY):**

Existing main level	1272 sf. (inside wall thickness)
Existing second level	755 sf. all 7' hgt (-18sf for stair)
Existing exterior porches	415 sf. screened already
Basement	needs to be 7' hgt 0 sf. none is 7' headroom

**Subtotal** 2,442 sf. total existing qualified area

2,442 x .2 (20% allowable increase in buffer area) = 488 sf total allowable envelope increase.

**PROPOSED NEW HOUSE EXISTING AREAS:**

Master bedroom new area only:	377 sf (220 sf new, 157 exist)
kids room new area only:	234 sf. (66 exist, 168 new)
first floor kitchen new area only:	243 sf. (243 sf new, none exist)
dining room	262 sf (all existing)
new open east porch	176 sf (all new)
square bay new window	19 sf. (all new, none exist)

**Total sf new areas: all levels** 821 sf

**NOTE ALLOWABLE AREA FOR ADMINISTRATIVE VARIANCE IS 488 SF**  
**APPLICANT REQUESTS VARIANCE FOR 821 NEW SF.**

**PROFESSIONAL STATEMENT:**  
These plans have been prepared by a Licensed Professional Architect, Jerome P. Corvan III (reg number #8419) and that all information on these plans are consistent with the requirements for The Licensed Professional Statement per Title 9, Department of Labor, Licensing, and Regulation, Subtitle 11 Board of Architects, Authority of Annotated Code of Maryland, Section 3-208.2(c).

Jerome P. Corvan III sign dated 9/27/10

<b>EXISTING BUFFER IMPERV. CALCULATIONS</b> TOTAL AREA IN BUFFER = 21,342 SF		<b>PROPOSED BUFFER IMPERV. CALCULATIONS</b> TOTAL AREA IN BUFFER = 21,342 SF x .15 = 3,201 sf. ALLOWABLE IMPERVIOUS AREA IN BUFFER :3,201 sf.																																															
<table><tr><td>garage 1</td><td>500 sf</td></tr><tr><td>garage 2</td><td>362 sf</td></tr><tr><td>main house</td><td>1,359 sf</td></tr><tr><td>porch</td><td>415 sf</td></tr><tr><td>brick terrace</td><td>221 sf</td></tr><tr><td>areaway</td><td>35 sf</td></tr><tr><td>driveway</td><td>1,273 sf</td></tr><tr><td>sidewalks</td><td>350 sf</td></tr></table>		garage 1	500 sf	garage 2	362 sf	main house	1,359 sf	porch	415 sf	brick terrace	221 sf	areaway	35 sf	driveway	1,273 sf	sidewalks	350 sf	<table><tr><th>ITEM</th><th>AREA</th><th>CHANGE</th></tr><tr><td>garage 1</td><td>500 sf</td><td>( same)</td></tr><tr><td>garage 2</td><td>362 sf</td><td>( same)</td></tr><tr><td>main house</td><td>1,359 sf</td><td>( same)</td></tr><tr><td>porch</td><td>415 sf</td><td>( same)</td></tr><tr><td>brick terrace</td><td>0 sf</td><td>( removed)</td></tr><tr><td>areaway</td><td>0 sf</td><td>( removed)</td></tr><tr><td>driveway</td><td>0 sf</td><td>( removed)</td></tr><tr><td>new additions</td><td>438 sf</td><td>( new)</td></tr><tr><td>sidewalks</td><td>28 sf</td><td>( new)</td></tr></table>		ITEM	AREA	CHANGE	garage 1	500 sf	( same)	garage 2	362 sf	( same)	main house	1,359 sf	( same)	porch	415 sf	( same)	brick terrace	0 sf	( removed)	areaway	0 sf	( removed)	driveway	0 sf	( removed)	new additions	438 sf	( new)	sidewalks	28 sf	( new)
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<b>TOTAL EXIST. IMPERVIOUS SF IN BUFFER AREA</b>		<b>TOTAL PROPOSED IMP. SURF</b>																																															
	4,515 sf	3,102 total sf ( allowable 3,201 sf)																																															
<b>TOTAL ALLOWED: 15% of 21,342 sf =</b>		<b>total underage of impervious surface</b>																																															
<b>BUFFER AREA OVERAGE :</b>		99 sf																																															
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<b>EXISTING SITE IMPERV. CALCULATIONS</b> TOTAL AREA IN SITE = 49,701 SF		<b>PROPOSED SITE IMPERV. CALCULATIONS</b> TOTAL AREA = 49,701 sf. ALLOWABLE IMPERVIOUS AREA IN SITE : 7,455 sf																																																									
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7,101 sf		7,264 total ( allowable 7,455 sf)																																																									
APPLICANT IS UNDER MAX ALLOWABLE IMPERVIOUS SURFACE MAX. ON SITE ( 7,455 sf allowable, 354 sf underage)		APPLICANT IS UNDER MAX ALLOWABLE IMPERVIOUS SURFACE MAX. ON SITE ( -191 sf. underage)																																																									

NEUFELD PROPOSED SITE PLAN : for Variance and Site Calculations for Critical Area and Buffer

SCALE 1" equals 20'-0"

**ARCHITECTURAL REGISTRATION BOARD**  
8419  
JAY P. CORVAN III  
STATE OF MARYLAND

plans prepared by:  
**JAY P. CORVAN III**  
Architect  
29893 Tarbuton Mill Rd, Trappe, Maryland 21673  
410.820.7957 telefax 410.276.5701

**STEVE and GAYLE NEUFELD**  
House Interior Renovation and Addition  
5720 Poplar Lane, Royal Oak, Maryland 21662

**RECEIVED**  
SEP 30 2010  
CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

PRINTED 9/27/10

**S.2**





## Staff Report

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**To:** Talbot County Board of Appeals  
**From:** Brett Ewing, Planner I  
**Date:** 9/28/10  
**Subject:** Variance  
**Tax Map:** 46 **Grid:** 12 **Parcel:** 104 **Lot:** 1

---

Appeals Case #: 10-1546

BOA Meeting Date: 10/25/10

General Information:

Owners: Steven and Gayle Neufield

Applicant: Jay Corvan, AIA

Requested Action: Variance

The applicant is requesting seven (7) variances of the required 100 ft. shoreline development buffer. (1) Install a bay window with foundation located 41'2" from MHW; (2) Two-story wood framed addition located 55'1" from MHW (first floor kitchen, second floor master bedroom); (3) Child room addition over existing first floor no closer than existing setback of 35'11" from MHW; (4) Walk able terrace over existing first floor located no closer than existing setback of 35'11" from MHW; (5) Expansion of master bedroom over existing first floor located no closer than existing setback of 40'3" from MHW; (6) Vertical expansion of certain roof lines to be no higher than 27'8" from existing grade; (7) Brick step 26'2"x 16" on waterside of house located 34'4" from MHW.

Existing Zoning: VC- Village Center

Location: 5720 Poplar Lane, Royal Oak, MD 21662

Property Size: 1.16 Acres

Comprehensive Plan  
Classification: *Village Center Area* – “Residential infill development and redevelopment should be compatible with existing character and density of the village.”

Zoning History: No related zoning history

Related Information: The proposed project is not eligible for the Administrative Variance process as the Gross Floor Area exceeds the allowable 20% expansion, Zoning section 190-169 D. (b) states, “The proposed addition will not enlarge the existing structure by more than 20 percent of the gross floor area of the structure existing on August 13, 1989.”

Staff Recommendation:

- 1) The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
- 2) The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Board of Appeals approval.
- 3) Natural vegetation of an area three times the extent of the proposed disturbance allowed shall be created in the buffer. A Critical Area Buffer Management Plan application may be obtained at the Planning Office.



836-05

## TALBOT COUNTY BOARD OF APPEALS

215 BAY STREET, SUITE 2  
EASTON, MARYLAND 21601

PHONE: 410-770-8040

FAX: 410-770-8043  
TTY: 410-822-8735

December 1, 2010

Critical Area Commission  
Nick Kelly  
1804 West Street  
Annapolis, MD 21401

Dear Mr. Kelly,

The signed decision for Steven and Gayle Neufeld, Appeal # 10-1546 is enclosed. Please note that there is a 30 day appeal period with the Circuit Court from the date the decision was signed.

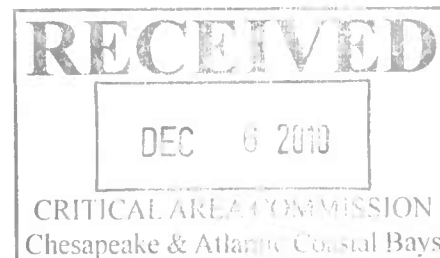
Should you have any questions in reference to this appeal please call the Board of Appeals office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Corkell".

Chris Corkell  
Administrative Assistant

enc.



DECISION  
TALBOT COUNTY BOARD OF APPEALS  
Appeal No. 10-1546

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., October 25, 2010 on the Application of **DRS. STEVEN AND GAYLE NEUFELD** (Applicant). The Applicant is seeking seven variances of the 100' Shoreline Development Buffer to construct (1) a new bay window addition to the existing structure within 41'-2" from Mean High Water (MHW); (2) a new two story wood framed addition within 55'-11" from MHW; (3) a new child's room addition on the second level 35'-11" from MHW; (4) a new walk-able roof terrace with a 3'-0" handrails 35'-11" from MHW; (5) an expanded master bedroom suite over existing building 40'-3" from MHW; (6) vertical expansion of roof ridge heights (3 separate areas as delineated on exhibit A-1) all expansions to be less than the vertical height of the existing roof ridge height of 27'-8" from finish elevation at the lowest point on grade; and (7) a new brick step (6" in height, 26'-2" wide 16" deep) replacing the removed brick terrace 34'-4" from MHW. The applicant's request is made to allow for the renovation of an existing residence located entirely within the Shoreline Development Buffer. The request is made in accordance with Chapter 190, Zoning, Article VI, ' 190-139, Article VIII, §190-169 and Article IX, ' 190-182 of the Talbot County Code (Code). The property is located at 5720 Poplar Lane, Royal Oak, Maryland 21662 in the Village Center/Critical Area (VC/CA) Zone. The property owners are Steven and Gayle Neufeld and the property is shown on Tax Map 46 Grid 12 Parcel 104, Lot 1.

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman; Phillip Jones, Vice Chairman; Rush Moody; Betty Crothers; and John Sewell. Anne C. Ogletree was the attorney for the Board of Appeals.

It was noted for the record that all members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for Critical Area Variance and Attachment A.
2. Copy of tax map of subject property, highlighted in blue, 2

3. Notice of Public Hearing
4. Newspaper Confirmation
5. Notice of Hearing & Adjacent Property Owners List attached (2 pages)
6. Variance Standards for Critical Area with Attachment B and Attachment C.
7. Staff Report, prepared by Brett Ewing, Planner I, on September 28, 2010.
8. Sign Maintenance Agreement
9. Site Plan prepared by Jay Corvan, Architect, labeled S-2.
10. Elevation Plan, prepared by Jay Corvan, Architect, labeled A-1.
11. Critical Area Letter from Nick Kelly dated October 12, 2010.
12. Letter of Authorization.
13. Independent Procedures Disclosure and Acknowledgment Form.
14. Aerial photo submitted by Chris Corkell, 09/22/10
15. Copy of Decision of Appeal No. 1429 for Derek McDaniels, previous property owner.

All potential witnesses were sworn. Jay Corvan, Architect, directed the testimony of the applicant. He introduced himself and Dr. Gayle Neufeld, one of the owners. He read into the record a statement he had prepared addressing the variance requirements of the ordinance.

He noted that the property although carrying an address of Royal Oak was actually located in Bellevue. The applicants had recently purchased the property in the spring of 2010, and were working with Mr. Corvan to develop site and building improvements. He indicated that the residence was a 1920 era three (3) bay center hall farmhouse with two (2) flanking bays. Multiple additions had been previously made. The house and all subsequent additions are all located entirely within the Critical Area Buffer. The structure of the original house predates critical area laws. The two additions are respectively twenty-five (25) years and approximately ten (10) years old. All structures predate the applicant's purchase. The location of the house totally within the Critical Area creates an undue hardship as there is no economical or practical way to create an addition which is not within the Critical Area Buffer.

The existing house has two (2) bathrooms and three (3) bedrooms in a rather odd configuration. The proposed house plan will have a new bedroom, one and one half (1½)

additional bathrooms, a children's playroom, and a new kitchen and dining area. The home is already connected to the Bellevue public septic system and effluent is pumped to a municipal treatment plant so there are no on-site septic concerns. The house does have its own deep water well. The pump will be replaced in order to permit the new required sprinkler system.

The existing house footprint is rather small, but there are existing outbuildings and other surfaces so that lot coverage is thirteen hundred fourteen (1,314) square feet over the fifteen percent (15%) maximum limit currently permitted in the Critical Area Buffer. The applicant has chosen to remove several small outbuildings and a brick terrace and other walkways and parking areas within the Critical Area Buffer to keep the project within the desired fifteen percent (15%) total lot coverage requirement. With the proposed additions and removals, the excess lot coverage will be reduced. The renovations result in a computed lot coverage area ninety-nine (99) square feet under the fifteen percent (15%) lot coverage requirement.

There are unusual conditions peculiar to the existing building which made applying for an administrative variance impossible.

Mr. Corvan noted that the non-conformity does not move closer to the water with the proposed renovation, and therefore the non-conformity does not increase, a requirement for the approval of the variances under Code § 190-169 C (1) (a). The applicant has also proposed a rain garden for storm water runoff rather than a barrel system, as the end result will be equally effective, but be more aesthetic.

Other county residents are generally permitted to enlarge structures to accommodate their families, and denying the applicant the right to do so because the existing structure is entirely within the critical area creates an undue hardship and denies applicant the privileges other residents enjoy.

The applicant has agreed to comply with the requirement for a buffer management plan. The applicants also agreed to provide a storm water management plan, if required, but suggested that since the disturbance would be less than five thousand (5,000) square feet it believed none is required.

Mr. Corvan submitted a copy of his remarks for the record as Applicant's exhibit 1.

Mr. Shortall remarked that the applicant had done a good job addressing all the Critical



Area requirements and standards in its written answers, and asked if all members of the Board had had a chance to review those answers. He asked if any Board member had questions on any of the standards. He wanted to consider the seven requests as a package and asked if any of the members wanted to concentrate on a single request.

Mr. Jones stated he had a comment, but no questions. He felt the applicant had explained its proposal well. He added that this was the second time there had been a variance request for this house, as the previous owners, too, wished to renovate. He felt this plan was a lot less intrusive in the buffer, and, he added, prettier. He wished others would be take the same approach to additions in the buffer, particularly where the subject property is improved by an older house, and recognize those houses are part of a community and be as equally concerned with how the renovated house would look. Mr. Jones stated he was happy with the proposal.

Mr. Moody commented he felt the project worthwhile.

Mr. Sewell inquired about the proposed use of the garages.

Dr. Neufeld responded that they were storing kayaks, and that they would be used mostly for storage.

Mr. Shortall inquired if anyone in the audience had a question or additional comment. There were none.

Mr. Jones stated that as far as the Critical Area Commissions conditions went, he would prefer not to add what wasn't required. For instance, he felt that signing an affidavit about the removal of the brick terrace might be needless. He also felt that the concern about the storm water management requirements was overstated. The applicant would have to comply with the county storm water management ordinance, but aside from that they just needed to use best management practices, as opposed to getting a storm water management plan approved by public works, which could take months.

Mr. Corvan commented that a lot of the site drains back towards Poplar Lane and away from the water.

Mr. Jones commented that in a hard rain it would drain into the bay.

Mr. Corvan stated he understood the concern, and hoped the Board would allow the Applicant to deal with it the best way it could, but not require any specific action.

Mr. Jones felt the Board should not require anything greater than the agency (Soil Conservation) that would review the plan.

Mr. Shortall commented that staff had several recommendations, but they were just the standard ones – obtain the necessary permits, and a period of eighteen (18) months from the time of a written approval to get the project completed. If there was difficulty with completion, the applicant could ask for a one time extension.

Mr. Jones added that, in regard to that time frame, the buffer management plan is not an easy hurdle to overcome because it is an area where the regulations are new, and the Critical Areas staff is being very fussy as they are getting experience with it.

Mr. Corvan inquired about the length of time a review would take.

Mr. Jones stated the review didn't take that long, as there was not much building going on, but the regulations are very specific, and they don't fit Talbot County all that well. He reiterated that the applicant should plan extra time to get the approval.

Mr. Shortall asked if there were other questions or comments.

Ms. Crothers stated that it was a very thoughtful job.

Mr. Shortall inquired about a recommendation.

Mr. Moody moved that the Board find that all of the variance requirements were met by a preponderance of the evidence, for the following reasons:

- (1) Special conditions exist that are peculiar to the structure involved in that it is existing and is located entirely within the Critical Area Buffer;
- (2) A literal enforcement of the provisions of the ordinance would prohibit any renovation to the existing structure, as any renovation would be within the Critical Area Buffer, preventing the applicants from enjoying the same rights as given to other county citizens;
- (3) The granting of the variance will not confer any special right or privilege on the property owner ; on the contrary, it will permit the owners to renovate, an activity which is permitted in the district;
- (4) The variance request is not based on conditions caused by the Applicant. The house was purchased by the Applicant in the spring of 2010, and all

conditions requiring the variances were present at that time;

- (5) The granting of the variances will not affect water quality or adversely impact wildlife, fish or plant habitat, as the property is connected to sanitary sewer, and the applicant will create a buffer management plan and comply with the county storm water ordinance;
- (6) The variances do not exceed the minimum necessary to alleviate the hardship, and are actually reducing the lot coverage, thereby reducing overall non-conformity; and
- (7) The Applicant is unable to acquire additional land to abate or reduce the non-conformity.

He recommended that all seven of the variances be granted conditioned as the staff report recommended. Ms. Crothers seconded the motion.

There being no further discussion, Mr. Shortall called for a vote. The motion carried, 5-0.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

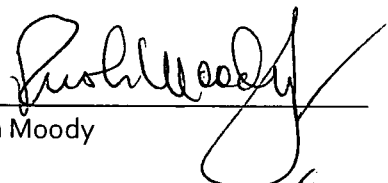
RESOLVED, that the Applicant, DRS. STEVEN AND GAYLE NEUFELD (Appeal No. 10-1546) are **GRANTED** the seven requested variances consistent with the evidence presented to the Board of Appeals, subject to the aforementioned conditions, by vote as previously noted.

GIVEN OVER OUR HANDS, this 1<sup>st</sup> day of December, 2010.

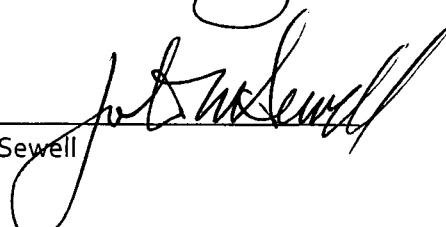
TALBOT COUNTY BOARD OF APPEALS

  
Paul Shortall, Jr., Chairman

  
Phillip Jones, Vice Chairman

  
Rush Moody

  
Betty Crothers

  
John Sewell

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

October 12, 2010

Ms. Chris Corkell  
Talbot County Office of Planning and Zoning  
28712 Glebe Road, Suite 2  
Easton, Maryland 21601

**Re: Neufield Board of Appeals Variance  
10-1546 (TM 46 P 104)**

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance request. The applicant is requesting seven variances to the 100-foot Buffer for the following:

1. To install a bay window with a foundation located 41.2 feet from Mean High Water (MHW);
2. To install a two-story wood framed addition located 55.1 feet from MHW;
3. To construct a child room addition over the existing first floor no closer than the existing setback from MHW (35.1 feet);
4. To construct a walkable terrace over the existing first floor located no closer than 35.1 feet from MHW;
5. To expand the master bedroom over existing first floor located no closer than 40.3 feet from MHW;
6. To vertically expand certain roof lines to be no higher than 27.8 feet from existing grade;
7. To install brick steps 26.2 inches by 16 inches on the waterside of the house, located 34.4 feet from MHW;

The property is 1.16 acres in size and is designated as a Limited Development Area (LDA). Total existing lot coverage is 7,101 square feet (14.05%). If the variance is granted, total lot coverage will increase to 7,264 square feet (14.37%), which include a reduction of 1,413 square feet of lot coverage in the Buffer.

Based on the information provided, we do not oppose this variance request. However, we do have the following comments:

1. Please revise all references of "impervious surface" to "lot coverage" on the site plan.
2. Regulations concerning the 100-foot and expanded Buffer (COMAR 27.01.09.01) are now effective. Since this project is covered by the new State regulations, the project must meet the requirements found in the aforementioned sections of COMAR in order to be approved by the County. In particular, we note that the applicant must provide the following:
  - a. 3:1 mitigation for all Buffer disturbance is required;
  - b. In addition to the 3:1 mitigation requirement mentioned above, if the removal of any individual trees within the Buffer that have a diameter of 2-inches or greater (when measured at 4.5 feet above the ground) is necessary, additional mitigation shall be required at a rate of 100 square feet for every one inch of diameter;
  - c. Since the applicant is proposing a new driveway, pool, trampoline, pool house, and sidewalks outside of the Buffer, Buffer establishment based on the net increase in lot coverage outside of the 100-foot Buffer is also required. This information should be noted and included on the Buffer Management Plan;
  - d. A Buffer Management Plan shall be completed in accordance with COMAR 27.01.09.01;
  - e. The applicant cannot receive a permit for the proposed modifications until the Buffer Management Plan has been approved by Talbot County.
3. As a condition of approval, this office recommends that the County require the applicant to provide stormwater management for the newly proposed structures onsite. Stormwater management options that are permissible within the 100-foot Buffer may include rain barrels and dense plantings of native vegetation.
4. Please note that this office would not support any future variances to create terraces within the 100-foot Buffer on this property. We recommend that a condition be included prohibiting the future construction of any terraces waterward of the dwelling and in perpetuity.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3483.

Sincerely,



Nick Kelly

Natural Resource Planner

cc: TC 313-10 836-05



Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

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July 10, 2006

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Appeal # 1429 McDaniels

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer and 15% impervious surface area limits to permit the construction of an addition to the existing dwelling on the property. The construction of the addition results in 758 square feet of additional impervious surface area within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it is my understanding that the proposed dwelling addition will encroach no further towards mean high water than the existing 37-foot setback. In addition, we note that a 134 square foot pervious deck is also proposed within the Buffer. Provided that the required mitigation is provided at a 2:1 ratio and implemented by virtue of native plantings placed at an alternative location within the Buffer, this office is not opposed to the Buffer variance as requested.

However, this office opposes the applicant's request to exceed the 15% impervious surface area limit on the lot. Specifically, the property appears to be developed with walkways, a brick pad, multiple garages, and a pool and concrete pool patio. It appears that ample opportunity exists to remove additional accessory impervious surface area on the property in order to accommodate the proposed additions and to remain within the 15% impervious surface area limit. Therefore, it does not appear that the standard of unwarranted hardship can be met in relation to the impervious surface area variance. Further, we note that the 15% impervious surface area limit represents a threshold for a property, beyond which impervious surface areas are known to cause adverse impacts to water quality and plant and wildlife habitat. Particularly given the close proximity of the applicant's existing and proposed improvements to tidal waters, this office has serious concerns about surpassing the 15% limit on this lot.

Mary Kay Verdery  
Variance Appeal #1429  
July 10, 2006  
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC 836-05

Variance - Null & Void

\* Project never  
Started or  
Completed.  
(House Sold)

MINUTES OF PUBLIC HEARING  
TALBOT COUNTY BOARD OF APPEALS  
Appeal No. 1429

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., July 10, 2006, on the application of **DEREK and CYBELLE MCDANIELS** ("Applicants"). The Applicants are seeking a variance of the required 100-foot shoreline development buffer to construct a 758 square foot addition and a pervious deck to their existing residence. The existing structure is located 36 feet from mean high water and the proposed addition will be no closer than 37 feet from mean high water. In addition the Applicants are requesting a variance of the maximum allowable 15% impervious surface coverage limitation for a total of 15.2% coverage. (The request for a variance of the 15% limit was withdrawn at the second hearing held on this matter.) The property address is 5720 Poplar Lane, Royal Oak, Maryland 21662, in the village of Bellevue and is in the Village Center/Critical Area (VC/CA) zone. It is owned by the Applicants. The request is made in accordance with Chapter 190 Zoning, Article X, §190-61D(3), Article XII, §190-93E(3)(c), §190-93E(6)(c)[1][i], and Article XIV, §190-104 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman, Phillip Jones, Vice Chairman, Jack K. Sun, Rush Moody and Betty Crothers. Glenn D. Klakring was the attorney for the Board of Appeals.

It was noted for the record that all members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for variance with Attachment A (two pages total).
2. Copy of a portion of the Talbot County tax map with the property highlighted.
3. Appeals Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star-Democrat.
5. Notice of hearing with a list of nearby property owners attached.

6. Copy of variance requirements from the Ordinance with the Applicants' response to each applicable requirement.
7. Staff memorandum.
8. Sign maintenance agreement.
9. Construction elevation plans.
10. Site plan (two pages).
11. Impervious coverage calculations.
12. Letter with specifications for proposed deck.
13. Letter designating Brad Anderson as agent for the Applicants for purposes of the instant application.
14. Letter dated July 10, 2006 from the Critical Area Commission. The Commission does not oppose the buffer variance for the proposed additions provided there is sufficient mitigation. However, the Commission is opposed to the requested impervious surface variance as there appears to be ample opportunity to remove additional accessory impervious surface area.

W. Bradley Anderson, 29965 Ridge Road, Easton, Maryland 21601, testified in support of the application. He is the architectural and construction consultant retained by the Applicants to plan and complete their proposed additions. He described the proposed addition to the Applicants' home and why it had to be where proposed rather than elsewhere on the property. Certain sections of the driveway will be removed to lessen the amount of impervious surface created by the changes. He said that there will be a net addition of 758 square feet of impervious surface on the lot.

The next witness was Susan E. Tames, 106 Bigmount Court Abington, Maryland 21009-1592. She was opposed to the application. She also said that the property has been used by the Applicants as a short-term rental property rather than a residence.

Thereafter the Board voted to meet in an executive session to discuss certain legal issues raised by the application. The Board then resumed the open session and agreed to continue the hearing to July 31, 2006 at 7:30 p.m. to permit the Applicants sufficient time to amend their application.

On July 31, 2006 the Board resumed the public meeting on the application. An Amended Staff Memorandum was received as Board's Exhibit No. 15.

Mr. Anderson again testified in support of the application. He said that he and the Applicants had modified their plans to remove an additional 1,845 square feet of impervious surface from the lot upon the completion of the proposed additions and a variance of the maximum 15% impervious surface coverage in unnecessary. He offered a paper summarizing the new proposed impervious surface coverage within the buffer. It was admitted as Applicants' Exhibit No. 1. He also offered a copy of the plat of the property showing the proposed changes to the original plan. It was admitted as Applicants' Exhibit No. 2. He said that because the existing home is entirely in the buffer there is no place to expand the house but inside the buffer.

Susan E. Tames again appeared in opposition to the proposal. She owns the property on the Tred Avon River directly across from the Applicants' property.

Derek McDaniels testified in support of his application. He said that they have held the property out as a short-term rental for a single family of five or six persons. However, he and his family visit and live in their house every other weekend. Even with the proposed modifications to the plan there is adequate parking on the property.

The Board again met in an executive session for certain legal questions raised by the application. The public session of the meeting resumed thereafter and the Board considered the application.

After some discussion and upon motion duly made and seconded, the Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.



2. Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of the ordinance result in unwarranted hardship to the property owner. The existing home was constructed entirely within the buffer and even a modest expansion requires a disturbance of the buffer.
3. A literal interpretation of the ordinance will deprive the property owner of rights commonly enjoyed by other property owners in the same zone.
4. The granting of the variance will not confer upon the property owner any special privilege that would be denied by the ordinance to other owners of lands or structures within the same zone.
5. The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
6. Greater profitability or lack of knowledge of the restrictions was not considered as sufficient cause for the variance.
7. The variance does not exceed the minimum adjustment necessary to relieve the unwarranted hardship.
8. The granting of the variance will not adversely affect water quality of adversely impact fish, wildlife or plant habitat, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law, the Talbot County Critical Area Program and the Critical Area provisions of the ordinance.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Applicants, **DEREK and CYBELLE MCDANIELS** (Appeal No. 1429) are **GRANTED** the requested variance, as amended, for an addition to the existing residence consistent with the evidence presented to the Board of Appeals. The variance is subject to the following conditions:

1. The existing parking areas shown as "to be removed" on Applicants' Exhibit No. 2 shall be permanently removed and replaced with plantings consistent with a buffer management plan.
2. The Applicants shall replace any trees removed within the shoreline development buffer at a rate of no less than one per one.
3. The proposed pervious decking and steps shall be constructed in accordance with the Chesapeake Bay Critical Area Guidance document regarding impervious surfaces and the Applicants must sign a letter of intent acknowledging such construction methods are to be used.
4. To mitigate for any additional impervious surface the Applicants shall submit and comply with a planting plan to the Talbot County Planning Office for documentation and review.
5. The Applicants shall consult with the Talbot County Department of Public Works and, if required, provide and comply with any Storm Water Management Plan.

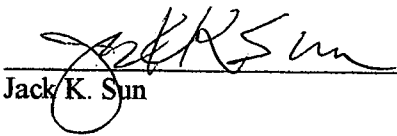
The vote of the Board was five to zero to grant the variance.

GIVEN OVER OUR HANDS, this 11TH day of SEPTEMBER, 2006.

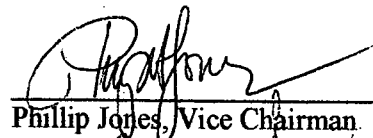
**TALBOT COUNTY BOARD OF APPEALS**



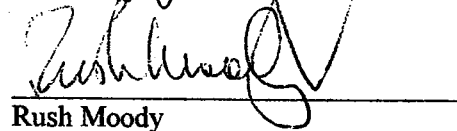
Paul Shortall, Jr., Chairman



Jack K. Sun



Phillip Jones, Vice Chairman



Rush Moody

UNAVAILABLE FOR SIGNATURE

Betty Crothers

Applicants Name: Mc DANIELS

Permit Number: \_\_\_\_\_

**CRITICAL AREA IMPERVIOUS SURFACE COMPUTATION WORKSHEET****SECTION A**

For additions to existing structures, driveways, sidewalks & other impervious surfaces within the 100 foot shoreline buffer, calculate \*\*\*One Acre = 43,560 square feet\*\*\*

20,955 SF on 0.481 Acre X 15% = 3143.25 SF  
 Square footage of portion of the lot within 100 foot buffer Allowable impervious surface in square feet

Lots ½ acre or less which existed on or before December 1, 1985 are limited to 25% of the parcel or lot in impervious surfaces.

\_\_\_\_\_ X 25% = \_\_\_\_\_  
 Square footage of the lot Allowable impervious surface in square feet

Lots greater than ½ acre and less than 1 acre which existed on or before December 1, 1985 are limited to 15% of the parcel or lot in impervious surfaces.

\_\_\_\_\_ X 15% = \_\_\_\_\_  
 Square footage of the lot Allowable impervious surface in square feet

Lots 1 acre or less in size that are part of a subdivision approved after December 1, 1985 are limited to 25% of the lot in impervious surfaces. The total impervious surfaces for the entire subdivision may not exceed 15%.

\_\_\_\_\_ X 25% = \_\_\_\_\_  
 Square footage of the lot Allowable impervious surface in square feet

Subdivision Name &amp; Number \_\_\_\_\_

\_\_\_\_\_ Allowable impervious surface in square feet and set forth on the subdivision plat

All other parcels or lots not previously noted are limited to 15% of the parcel or lot in impervious surfaces.

50,878 S.F. X 15% = 7,631.7 S.F.  
 Square footage of the lot Allowable impervious surface in square feet

**SECTION B**

For parcels or lots ½ acre or less in size, total impervious surfaces do not exceed impervious surface limits as previously set forth in Section A by more than 25% or 500 square feet whichever is greater.

\_\_\_\_\_ X 25% = \_\_\_\_\_  
 Permitted impervious surface in square feet Maximum impervious surface in square feet or 500 square feet whichever is greater.

For parcels or lots greater than ½ acre and less than 1 acre in size, total impervious surfaces do not exceed impervious surface limits as previously set forth in Section A or 5,445 square feet, whichever is greater.

**ONLY THE TALBOT COUNTY PLANNING OFFICER OR HIS DESIGNATED REPRESENTATIVE MAY ALLOW A PROPERTY OWNER TO EXCEED THE IMPERVIOUS SURFACE LIMITATIONS SET FORTH IN SECTION A OF THIS COMPUTATION FORM. ADDITIONAL BEST MANAGEMENT PRACTICES ARE REQUIRED IN ORDER TO EXCEED THE LIMITS SET FORTH IN SECTION A.**

Critical Area Impervious Sheet

IMPERVIOUS AREA AND DISTURBANCE CALCULATIONS

NAME: McDANIELS PERMIT NO.: \_\_\_\_\_

This worksheet will quantify disturbances and impervious areas associated with both existing and proposed construction on your site.

BUILDING PERMIT APPLICATIONS WITHIN THE CRITICAL AREA

Please complete columns 1, 2, and 3 below listing the first floor or ground level footage of each existing or proposed structure or site amenity.

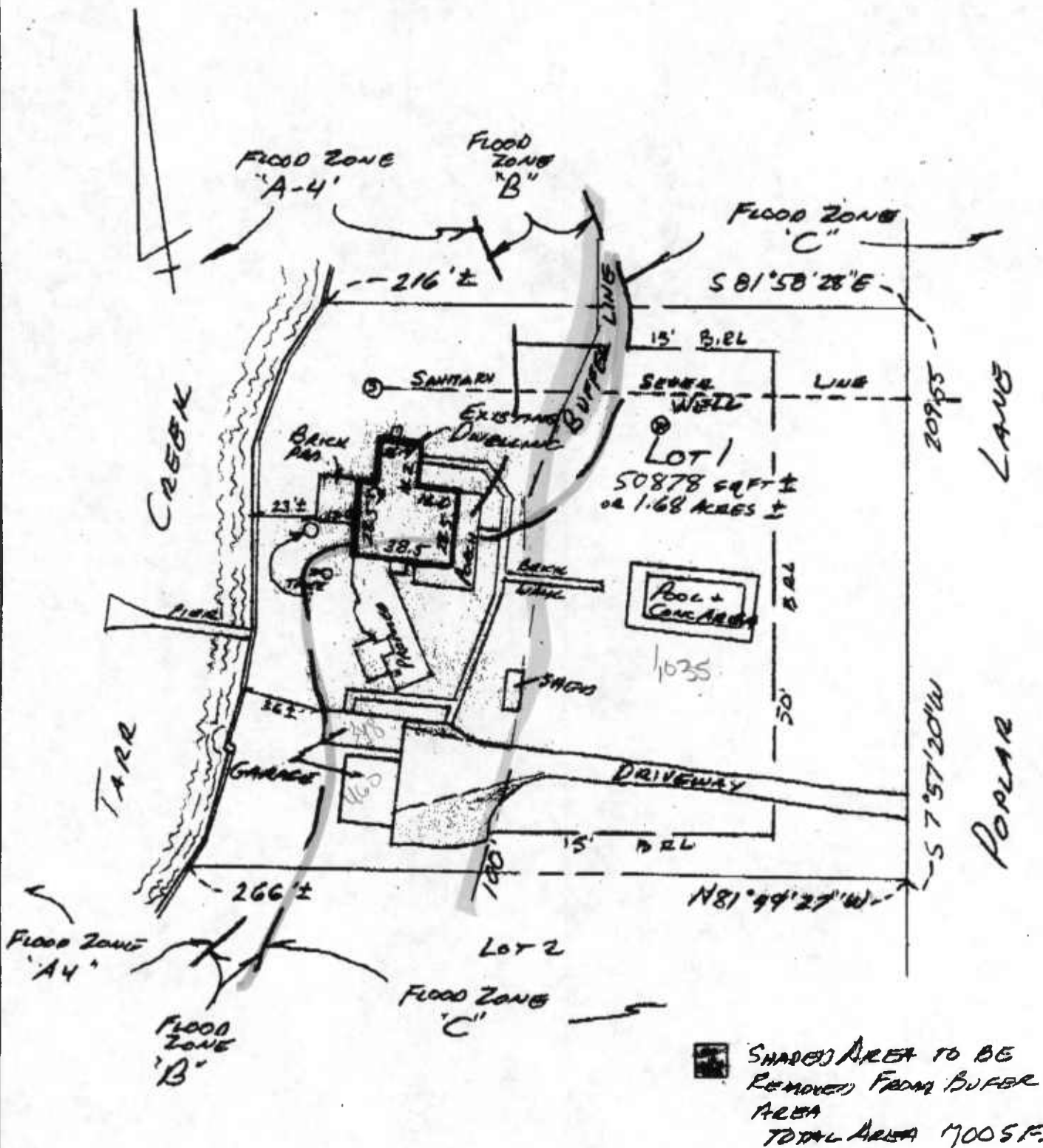
ALL BUILDING PERMIT APPLICATIONS

Please compute and note in column four (4) ground disturbance associated with proposed construction using the following formulas: 1) A 20 foot buffer around the footprint of the proposed structure or addition, 2) A 10 foot buffer shall be provided on each side of the proposed driveway, 3) Disturbance for septic system placement is calculated to be 750 square feet.

CRITICAL AREA ONLY			ALL ZONES		
	(1) Existing Impervious (sq. ft.)	(2) Proposed Impervious (sq. ft.)	(3) Total of 1 & 2 (sq. ft.)	(4) Disturbance (sq. ft.)	(5) SWM Disturbance
Driveways/sidewalks	2024	0	2024		
House	1775	0	1775		
Addition(s)		675	675	2300	
Septic					
Detached garage	844	0	844		
Outbuildings SHEP	88	0	88		
Swimming pools	0 On 5.0± 100' Buffer				
Tennis courts	0				
Guesthouse/tenant	0				
Other	0				
TOTALS:	4731	675	5406		

On lots less than 2 acres where disturbance during construction is 5,000 square feet or greater, you must contact the Soil Conservation District Office at 410-822-1577 to determine whether a Sediment and Erosion Control Plan will be required. It shall also be necessary to contact the Department of Public Works at 410-770-8170 to determine whether a Stormwater Management Plan will be required.

On lots greater than 2 acres, where disturbance during construction is greater than 21,780 square feet or greater, you must contact the Soil Conservation District Office at 410-822-1577, to determine whether a Sediment and Erosion Control Plan is required.



I HEREBY CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAT IS NOT INTENDED FOR USE IN THE ESTABLISHING OF PROPERTY LINES.

*Russell R. Klages*  
Lic. #8685  
FLOOD ZONE "AS SHOWN"

DEED REF. 1230/311  
TALBOT COUNTY, MD  
2ND ELECTION DISTRICT  
ADDRESS  
5720 POPLAR LANE  
ROYAL OAK, MARYLAND  
LOT 1, PLAT REF: 81/243  
TOTAL LOT 50878 SQFT OR 1.68 ACRES  
TAX MAP 46, PARCEL 104



LOCATION DRAWING

RUSSELL R. KLAGES

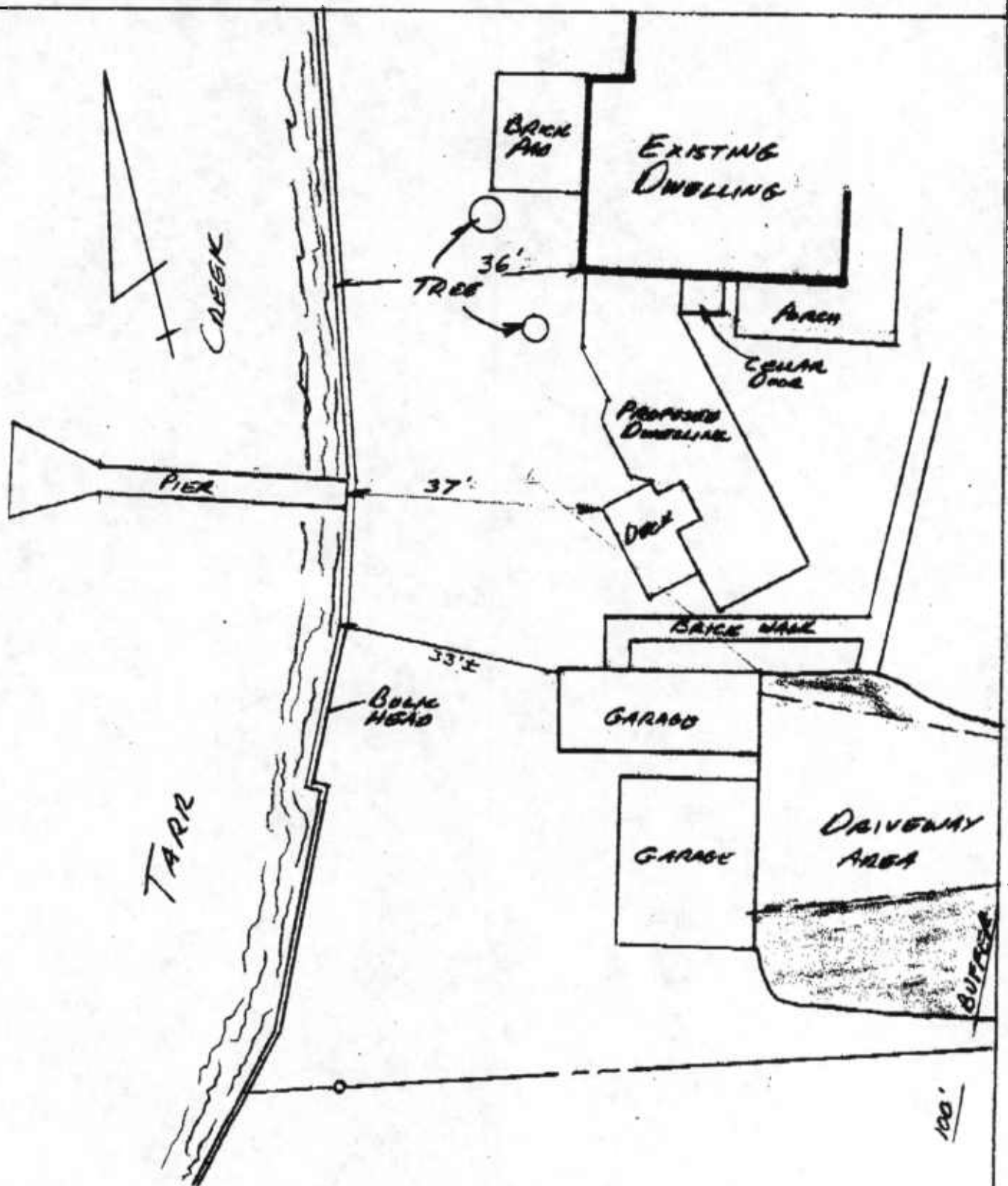
SURVEYING SERVICES  
7466 PAMELAS WAY  
P.O. BOX 335  
EASTON, MARYLAND 21601

(410) 763-6869

FAX (410) 763-6894

SCALE  
1" = 50'  
DATE  
Rev 12-16-05  
12-01-05  
JOB NO.  
504-05





□ SHADED AREA TO BE  
REMOVED FROM BUFFER  
AREA  
TOTAL AREA 700 SF

5720 POPLAR LANE  
TALBOT CO, MD  
SCALE: 1"=20' 12-01-05

SHEET 2 OF 2

# ADMINISTRATIVE VARIANCE APPLICATION

PC Hearing Date 2-1-06  
 Variance No. A066  
 Filing Date 12-7-05  
 Amount Paid \$300  
 and Date

OFFICIAL USE ONLY

The request is hereby made for an Administrative Variance of the 100 foot Shoreline Development Buffer pursuant to the provisions of Chapter 190, Zoning, Article XIII, § 190-97E of the Talbot County Code.

Purpose of Variance: (Describe variance requested, please note existing setback, proposed setback and date of construction for existing structure.)

NEED TO ADD A FIRST FLOOR MASTER BEDROOM, BATH AND  
STUDY, WITH A SECOND FLOOR BONUS ROOM FOR EXERCISE.

Location of Property: 5720 POPLAR LANE

Tax Map 46 Grid 12 Parcel 104 Lot 1 Size 1.168<sup>Ac</sup> Zone VC

Property Owner: DEREK & CYBELLE McDONNELLS

Address of Owner: 9344 LANHAM SEVERN ROAD #200 LANHAM, MD 20706

Telephone Number: (240) 568-6095 Election District 240

(301) 306-5470 (FAX) (301) 306-5427

Applicant's name, address & telephone number if different from owner: BRAD ANDERSON

29965 RIDGE RD. EASTON, MD. 21601 410/763-9201 (CELL) 410/463-0847

Has above property ever been subject of previous Variance or Appeal(s)? NO

If so, give case number(s) and date(s)

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the foregoing variance are true to the best of my (our) knowledge and belief. BRAD ANDERSON, AGENT

Brad Anderson  
 Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING.

RECEIVED  
 DEC 8 2005

Administrative Variance Application con't.

Any approved Administrative Variance for buffer encroachment under the provisions of Article XIII, § 190-97 E (1) (a-h) of the Talbot County Code shall be mitigated as follows:

- (a) Natural vegetation of an area twice the extent of the additional impervious surface allowed shall be created in the buffer or on the property if planting in the buffer cannot be reasonably accomplished.
- (b) If planting on-site or off-site cannot be reasonably accomplished, a fee-in-lieu based upon 30¢ per square foot of required planting area shall be assessed. Such fee will be dedicated to County tree planting programs within the Critical Area.
- (c) All plantings on the subject site shall be subject to an approved plantings plan.

A plantings plan meeting the specifications noted above shall be prepared for and submitted to the Planning Officer for review and approval.

Detailed Directions to Applicant's Property:

FROM EASTON USE MD Rt 33 (St Michaels Rd) + MD  
Rt 329 / ROAD TO ROYAL OAK TO BELLEVUE RD TO  
~~ROYAL~~ POPLAR LANE TO #5720

## ADMINISTRATIVE VARIANCE REQUIREMENTS

VARIANCE NO. \_\_\_\_\_  
PLANNING COMMISSION HEARING DATE \_\_\_\_\_

Variances – Permission to construct, alter, or occupy a particular building, structure or parcel of land in a way which is not in conformance with a provision or provisions of Chapter 190, Zoning, of the Talbot County Code, as a form of relief from its literal interpretations the applicant must demonstrate that:

- (a) The proposed setback from the property lines for such an expansion will not be less than the existing setbacks of the legal nonconforming structure;

Applicant Response:

THE (NEW) PROPOSED STRUCTURE HAS BEEN ANGLED TO INCREASE THE SETBACK FROM THE SHORELINE TO MINIMIZE ITS IMPACT ON THE EXISTING SETBACKS.

- (b) The impervious area of the parcel's or lot's shoreline development buffer and the entire parcel or lot on which the structure is located complies with the impervious requirements specified in S 190-93E(6)(c)[1][a];

Applicant Response:

THE IMPERVIOUS AREA OF THE PROPOSED (NEW) STRUCTURE COMPLIES WITH THE IMPERVIOUS REQUIREMENTS SPECIFIED IN S 190-93E(6)(c)[1][a].

- (c) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship to the property owner;

Applicant Response:

THE EXISTING PROPERTY HAS 3 BEDROOMS. THE PROPERTY OWNER HAS A FAMILY OF 5 PEOPLE, REQUIRING AN ADDITIONAL BED ROOM TO ALLOW THE FAMILY FULL ENJOYMENT AND PROPER LIVING ARRANGEMENTS.

- (d) A literal interpretation of this section will deprive the property owner of rights commonly enjoyed by other property owners in the same zone;

Applicant Response:

THIS PROPOSED ADDITION ALLOWS THE NEEDED BEDROOM & BATH  
TO ACCOMMODATE THIS FAMILY'S NEED. THE PROPERTY OWNER WOULD NOT  
BE ABLE TO FULLY ENJOY THIS HOME WITHOUT THIS ADDITION. SIMILAR  
TO THEIR NEIGHBORS. THE PROPERTY OWNER HAS CHILDREN OF THE OPPOSITE  
SEX, THEREBY REQUIRING SEPARATE BED ROOMS.

- (e) The granting of an administrative variance will not confer upon the property owner any special privilege that would be denied by this section to other owners of lands or structures within the same zone;

Applicant Response:

THIS ADMINISTRATIVE VARIANCE AFFORDS THE PROPERTY OWNER  
THE SAME PRIVILEGES GRANTED TO ITS NEIGHBORS. IT DOES NOT  
PROVIDE ANY SPECIAL PRIVILEGES

- (f) The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

Applicant Response:

THE PROPERTY OWNER HAS RECENTLY PURCHASED THIS HOME  
AND HAS NOT CAUSED ANY CONDITIONS OR CIRCUMSTANCES  
PROMPTING THIS REQUEST



(g) The granting of an administrative variance within the Critical Area shoreline development buffer will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law the Talbot County Critical Area Plan and the regulations adopted in this section; and

Applicant Response:

THIS REQUEST WILL NOT ADVERSELY AFFECT THE WATER QUALITY OR ADVERSELY IMPACT FISH, WILDLIFE, OR PLANTLIFE. GRANTING A VARIANCE WILL BE IN HARMONY WITH THE EXISTING CONDITIONS OF THE PROPERTY'S USE.

(h) The variance shall not exceed the minimum necessary to relieve the unwarranted hardship.

Applicant Response:

THIS VARIANCE WILL NOT EXCEED THE MINIMUM NECESSARY TO RELIEVE THIS UNWARRANTED HARDSHIP

The Planning Officer's action will be predicated upon the applicant's compliance with the above. All structures/additions must be staked out prior to the Planning Office or Planning Commission's site visit.

12/4/05  
Date

Derek & Cybele McDaniel  
[Signature] OWNERS  
Signature of Applicant or  
Applicant's Designated Agent

BRAD ANDERSON

[Signature] AGENT AND  
APPLICANT